

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 600-1-295PCTUS  U.S. APPLICATION NO. (If known, see 37 CFR 1.56) 60/436,077 <b>10/540666</b>
INTERNATIONAL APPLICATION NO. PCT/US03/41229	INTERNATIONAL FILING DATE DECEMBER 23, 2003	PRIORITY DATE CLAIMED
TITLE OF INVENTION <b>USES OF SYNERGISTIC BACTERIOPHAGE LYTIC ENZYMES FOR PREVENTION AND TREATMENT OF BACTERIAL INFECTIONS</b>		
APPLICANT(S) FOR DO/EO/US <b>VINCENT A. FISCHETTI and JUTTA LOEFFLER</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input checked="" type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <b>Unexecuted</b> 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).  <b>Items 11 to 20 below concern document(s) or information included:</b> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <b>3 Drawing Sheets; Response to Invitation to Pay Additional Fees; Notif. of Submission Prior Docs; Notif of Recording of Change; Notif of Receipt Recording Copy.</b>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.2) <b>60/436,077</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US03/41229</b>		ATTORNEY'S DOCKET NUMBER <b>600-1-295PCTUS</b>	
The following fees have been submitted				<b>CALCULATIONS      PTO USE ONLY</b>	
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100.00	
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$ 600.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$	
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims		24 - 20 =	4	x \$ 50	\$ 200.00
Independent claims		5 - 3 =	2	x \$200	\$ 400.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 1200.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
<b>SUBTOTAL =</b>				<b>\$ 600.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 600.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 600.00</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>600.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>11-1153</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>11-1153</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p><b>KLAUBER &amp; JACKSON</b>  <b>411 HACKENSACK AVE.</b>  <b>4TH FLOOR</b>  <b>HACKENSACK, NJ 07601</b>  <b>PHONE: 201-487-5800</b></p>					
				<p style="text-align: center;"><i>Veronica Mallon</i>          SIGNATURE  <b>VERONICA MALLON, Ph.D.</b></p> <p>NAME _____</p> <p style="text-align: center;">52,491</p> <p>REGISTRATION NUMBER _____</p>	

10/540666

JC09 Rec'd PCT/PTO 23 JUN 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INTERNATIONAL APPLN. NO. : PCT/US03/41229  
INTERNATIONAL FILING DATE : 23 DECEMBER 2003  
APPLICANT : THE ROCKEFELLER UNIVERSITY  
TITLE OF INVENTION : USE OF SYNERGISTIC BACTERIOPHAGE  
LYTIC ENZYMES FOR PREVENTION AND  
TREATMENT OF BACTERIAL INFECTIONS  
ATTORNEY'S DOCKET NO. : 600-1-295/PCT  
EXPRESS MAIL "MAILING CERTIFICATE NO." : EV 329560438 US  
DATE OF MAILING : AUGUST 13, 2004

RESPONSE TO INVITATION TO PAY ADDITIONAL FEES

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

ATTENTION: Irene Marx  
Authorized Officer

Dear Ms. Marx:

In response to the Invitation to Pay Additional Fees pursuant to PCT Article 17(3)(a) and Rule 40.1, having a date of mailing of 30 July 2004, and requiring response within 15 days thereof, or by 14 August, 2004 (copy enclosed), Applicants submit herewith a check for \$210.00. The ISA/US notes that the claims contain five groups of claims corresponding to five inventions as follows:

Group I, claims 1-14, drawn to methods of treating bacterial infections with at least two bacteriophage derived lytic enzymes.

Group II, claims 15-17 and 19-23 drawn to compositions comprising at least two bacteriophage derived lytic enzymes.

Group III, claim 18, drawn to a screening method.

Group IV, claim 24, drawn to a method of decontaminating a surface.

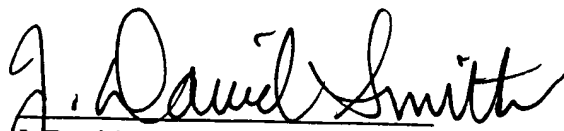
Group V, claims 25-29 drawn to a method of making compositions comprising at least two bacteriophage lytic enzymes.

In the absence of a response, the PCT will only search the claims of Group I, claims 1-14, methods of treating or preventing bacterial infections.

While Applicants are submitting payment for the examination of one additional group, namely Group II, claims 15-17 and 19-23, such payment is made under protest, as it is believed that compositions comprising at least two bacteriophage derived lytic enzymes and a method of treating or preventing bacterial infections with at least two bacteriophage derived lytic enzymes are so linked as to form a single inventive concept under PCT Rule 13.1.

Applicants remit payment so that the claims corresponding to Group I (claims 1-14 drawn to a method of treating or preventing bacterial infections with at least two bacteriophage derived lytic enzymes) and Group II (claims 15-17 and 19-23 drawn to compositions comprising at least two bacteriophage derived lytic enzymes) will now be searched. However Applicants believe that a refund of the additional search fee is in order in view of the single inventive concept between Group I and Group II.

Respectfully submitted,

  
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